

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 BERNADINE MORIMOTO, et al.,

4 Plaintiffs

5 v.

6 RICHARD WHITLEY, et al.,

7 Defendants

Case No.: 2:17-cv-01774-APG-GWF

**Order Dismissing Remaining Claims  
Without Prejudice to Those Claims Being  
Filed in State Court**

8 I previously granted defendants Clark County, Donald Burnette, and Timothy Burch's  
9 motion to dismiss, but stayed that dismissal to give the plaintiffs time to consider whether to file  
10 an amended complaint in this court, or to pursue their claims in state court. ECF No. 89. The  
11 plaintiffs filed a notice indicating their intent to proceed in state court. ECF No. 90. I therefore  
12 decline to exercise supplemental jurisdiction over the remaining state law claims in this case.

13 The plaintiffs state in their notice that I should "remand" this case to state court. *Id.* at 2.  
14 However, this case was originally brought in this court. Consequently, I cannot remand it.  
15 Rather, I am dismissing the remaining state law claims, without prejudice for the plaintiffs to  
16 assert them in state court. I remind the plaintiffs that pursuant to 28 U.S.C. § 1367(d), the statute  
17 of limitations is "tolled while the claim is pending and for a period of 30 days after it is  
18 dismissed unless State law provides for a longer tolling period."

19 IT IS THEREFORE ORDERED that I decline to exercise supplemental jurisdiction over  
20 the remaining state law claims in this case and all remaining claims between the parties are  
21 DISMISSED without prejudice. The clerk of court is instructed to close this case.

22 DATED this 30th day of November, 2018.

23   
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE